

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Anthony D. Keefe
SERIAL NUMBER: 10/729,581 EXAMINER : Mark Staples
FILING DATE December 3, 2003 ART UNIT : 1637
FOR: METHOD FOR IN VITRO SELECTION OF 2'-SUBSTITUTED NUCLEIC ACIDS

Via EFS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

The information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office for counterpart Japanese Application No. 2004-571010, which was received by Applicants' U.S. attorneys on December 28, 2009. As such, this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of this Supplemental Information Disclosure Statement.

This Supplemental Information Disclosure Statement is being filed after the mailing of a first Office Action but before the mailing of a final action under 37 C.F.R. §1.113. The fee required under 37 C.F.R. § 1.17(p) is not believed to be due, as each item of information contained in this Supplemental Information Disclosure Statement was first cited by a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

APPLICANT: Anthony D. Keefe
U.S.S.N.: 10/729,581

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No.: 23239-544.

Respectfully submitted,

/Lillian Horwitz/
Ivor R. Elrifi, Reg. 39,529
Lillian Horwitz, Reg. No. 57,040
Attorneys for Applicants
c/o MINTZ LEVIN
Address all written correspondence to
Customer no.: 69262
Tel: (617) 542-6000
Fax: (617) 542-2241